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18 September 1975

MEMORANDUM FOR THE RECORD

SUBJECT: Discussion with Thomas Mooney, Minority Counsel, House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, Concerning H.R. 214, a Bill to Prohibit Warrantless Electronic Surveillance, Surreptitious Entries, Inspection of Personal Records, and Mail Opening

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1. [] and I called on Tom Mooney, minority counsel, House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, to discuss H.R. 214, electronic surveillance bill, which the Subcommittee is marking up. I outlined at length the Agency's problems with the bill.

2. Mooney seemed sympathetic to our position, but he stressed the political realities of the situation. He said that the ratio of five Democrats to two Republicans on the Subcommittee and the particular ideological make-up of the Subcommittee virtually guaranteed the reporting of an electronic surveillance bill which would severely curtail national security electronic surveillance and which would subject such surveillance to rigid judicial scrutiny. He said that Representatives Railsback and Wiggins were very concerned about preserving some national security equities if they could. But it is now a matter of cutting our losses, Mooney believed. He asked that I send him a draft of provisions which we could live with but that he could propose without being laughed out of the Subcommittee.

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